

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
ROOM 2163 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

SEPTEMBER 23, 2003

PROPOSED COMPROMISE ON FAA REAUTHORIZATION
WOULD STILL ALLOW FAA TO REPLACE FAA CONTROLLERS
WITH LOW BID CONTRACTORS AT 69 BUSY TOWERS

VOTE "NO" ON H.R. 2115

Dear Colleague:

There has been broad opposition to the Conference Report on H.R. 2115, which would allow FAA to replace federal controllers with low bid contractors at 69 busy FAA towers. We understand that as a result of that opposition, the FAA Administrator has proposed a "compromise" to drop section 230 of the Conference bill, the section allowing the contracting out of the 69 towers at issue. This change would not solve the problems that have been raised. We would strongly oppose the revised Report for the following reasons:

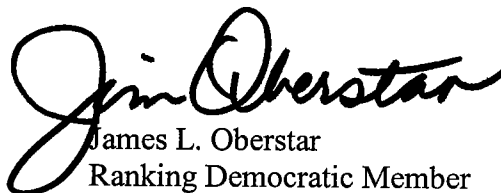
- **The legal effect of removing section 230 would be to give the FAA the green light to privatize all or part of the air traffic control system.** This defies the will of both the House and the Senate, which voted overwhelmingly to prohibit any privatization of air traffic control operations. The House and Senate felt impelled to pass legislation to prohibit privatization of air traffic control operations because the Bush Administration has taken administrative steps to change its "inherently governmental" status – a status that protects controller's jobs from being privatized. For example, in 2002, the Bush Administration issued orders deleting the "inherently governmental" designation and also listed air traffic control as a "commercial activity" -- a designation that makes it subject to privatization.
- **The FAA Administrator's proposal does not address section 105 of the Conference Report that creates new authority for contracting out air traffic control at Level 1 VFR towers.** This section clearly changes the legal status quo and is designed to undermine a pending lawsuit challenging some of FAA's earlier decisions to contract out towers operated by FAA controllers.
- **Other objectionable provisions would remain in the Report.** The FAA Administrator's compromise proposal does not remove provisions that were inserted into the Conference Report at the 11th hour, including allowing foreign airlines to provide cargo service between Alaska and other United States cities, taking jobs away from United States airlines and their employees. In addition, the compromise would not address the Conference Report language that changes the directive in current law for TSA to establish guidelines for the training of cabin crews to resist terrorist attacks. The Conference Report would leave TSA with discretion as to whether to issue these guidelines, and could undermine vital anti-terrorism training that our cabin crews need and deserve.

In sum, the proposed changes do not address the serious problems with the Conference Report. The Conference Report should be defeated and, if necessary, a short-term extension granted so that an acceptable reauthorization bill can be passed.

Sincerely,



Peter A. DeFazio
Ranking Democratic Member
Subcommittee on Aviation



James L. Oberstar
Ranking Democratic Member